
PRELIMINARY DRAFT
No. 3387

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2008 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-7-2; IC 12-31; IC 16-21-7.5.

Synopsis: Umbilical cord blood bank. Requires the office of the secretary of family and social services to enter into a memorandum of understanding with a nonprofit corporation to establish and operate an umbilical cord blood bank. Requires physicians and participating hospitals to inform pregnant patients of the option to donate umbilical cord blood. Requires the nonprofit corporation to establish an umbilical cord blood donation initiative to promote public awareness concerning the medical benefits of umbilical cord blood.

Effective: July 1, 2008.



A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-7-2-118.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 118.3. "Initiative", for purposes of IC 12-31-2, has the meaning set forth in IC 12-31-2-1.**

SECTION 2. IC 12-7-2-132.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 132.5. "Nonprofit corporation", for purposes of IC 12-31, has the meaning set forth in IC 12-31-1-1.**

SECTION 3. IC 12-31 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

ARTICLE 31. UMBILICAL CORD BLOOD

Chapter 1. Public Umbilical Cord Blood Bank

Sec. 1. As used in this article, "nonprofit corporation" refers to the Indiana nonprofit corporation that enters into a memorandum of understanding with the office of the secretary under section 2 of this chapter to establish and operate a public umbilical cord blood bank.

Sec. 2. The office of the secretary shall enter into a memorandum of understanding with a nonprofit corporation to establish and provide for the operation of a public umbilical cord blood bank to promote public health and to exercise other essential governmental functions.

Sec. 3. (a) The board of directors of the nonprofit corporation consists of the following:

- (1) The state health commissioner or the commissioner's designee.**
- (2) The secretary or the secretary's designee.**
- (3) The secretary of commerce appointed under IC 5-28-3-4 or the secretary's designee.**
- (4) The director of the state department of health's office of**



minority health.

(5) The following individuals appointed by the governor:

(A) One (1) president or chief executive officer of an Indiana based hospital.

(B) One (1) research scientist with expertise in umbilical cord blood research.

(C) One (1) ethicist with expertise in bioethics.

(D) One (1) physician licensed under IC 25-22.5 who specializes in birthing and delivery.

(E) One (1) representative of a donor cord blood bank facility.

(F) One (1) member of the interagency state council on black and minority health established under IC 16-46-6.

(b) The board of directors shall appoint an advisory board. At least fifty-one percent (51%) of the advisory board members must be research scientists with expertise in stem cell research.

(c) The advisory board, using criteria established by the board of directors, is responsible for reviewing applications from research scientists, research institutions, and other persons interested in purchasing umbilical cord blood or a placenta that is ineligible for transplant use from the public umbilical cord blood bank.

(d) The board of directors may contract with a person to perform the management and administrative operations of the public umbilical cord blood bank.

Sec. 4. The nonprofit corporation shall do the following:

(1) Establish procedures and guidelines for collecting and maintaining umbilical cord blood donations.

(2) Educate health care professionals about the procedures and requirements for collecting and maintaining umbilical cord blood donations following the birth of a newborn infant.

(3) Establish forms concerning patient informed consent and privacy.

Sec. 5. (a) The nonprofit corporation shall accept and maintain umbilical cord blood donations at no charge or cost to the donor.

(b) The nonprofit corporation may allow the following to use the umbilical cord blood donations:

(1) Transplant centers.

(2) Research centers approved by the nonprofit corporation that will use the umbilical cord blood donation to promote medical advances, life science research, or biotechnology research.

(3) Any other entity approved by the nonprofit corporation if the entity will use the umbilical cord blood donation to promote medical advances, life science research, or biotechnology research.



(c) All umbilical cord blood donations to the public umbilical cord blood bank of transplantable quality as set forth by the National Marrow Donor Program must be allocated for medical transplants.

(d) Umbilical cord blood donations to the public umbilical cord blood bank that do not meet the transplant requirements may be allocated by the bank for research purposes.

Sec. 6. (a) The nonprofit corporation may collect and maintain donations of tissue extracted from an umbilical cord and placenta at no charge or cost to the donor.

(b) Any postnatal tissue maintained by the public umbilical cord blood bank must be made available for scientific research or medical treatments that comply with relevant national practice and quality standards.

Sec. 7. The nonprofit corporation may award a grant to a person for work with umbilical cord blood or postnatal tissue.

Sec. 8. The nonprofit organization shall report annually to the health finance commission established by IC 2-5-23-3 concerning the following:

(1) The implementation of the umbilical cord blood bank.

(2) The number of collections used for transplants and the number of collections used for research.

Chapter 2. Umbilical Cord Blood Donation Initiative

Sec. 1. As used in this chapter, "initiative" refers to the umbilical cord blood donation initiative established under section 2 of this chapter.

Sec. 2. The nonprofit corporation shall establish an umbilical cord blood donation initiative to promote public awareness concerning the following:

(1) A pregnant woman's option to donate umbilical cord blood upon the birth of a newborn infant.

(2) The medical benefits of umbilical cord blood.

(3) The importance of donating umbilical cord blood to the public umbilical cord blood bank.

Sec. 3. The nonprofit corporation may accept a grant from the federal government or money from the state government or private contributions to establish and implement the initiative.

Sec. 4. (a) The initiative must include the dissemination of written material that includes the following:

(1) Information concerning the option that is available to pregnant women to donate umbilical cord blood upon the birth of a newborn infant.

(2) An explanation of the difference between public and private umbilical cord blood banking.

(3) The benefits of umbilical cord blood in accordance with the National Marrow Donor Program and the use of umbilical



cord blood for medical treatment, including the following:

(A) A list of the diseases or conditions that have been treated through the use of umbilical cord blood.

(B) A list of the diseases or conditions for which scientific research indicates that treatment through the use of umbilical cord blood is promising.

(4) Information on the public umbilical cord blood bank.

(5) Information concerning the process by which umbilical cord blood is collected and the steps that a pregnant woman must take before the child is born to arrange to have the umbilical cord blood collected and donated.

(b) The nonprofit corporation shall:

(1) update the material required in subsection (a); and

(2) distribute the material to the following persons that treat pregnant women:

(A) Physicians licensed under IC 25-22.5.

(B) Hospitals.

(C) Ambulatory surgical centers.

(D) Health clinics.

(E) Maternity homes registered under IC 16-26-1.

Sec. 5. Each physician and participating hospital, when feasible, shall inform each pregnant patient under the physician's or participating hospital's care, not later than thirty (30) days after the beginning of the patient's third trimester of pregnancy, of the opportunity to donate umbilical cord blood to the public umbilical cord blood bank following delivery of a newborn infant.

Sec. 6. The nonprofit corporation that establishes the initiative described in this chapter must meet all the requirements and responsibilities set forth in IC 23-17.

Sec. 7. (a) Any intellectual property developed by the nonprofit corporation establishing the initiative under this chapter is the property of the nonprofit corporation. A donor must consent to release any claim of intellectual property derived from an umbilical cord blood donation.

(b) The sale of umbilical cord blood or postnatal tissue by the nonprofit corporation to a person does not result in a right by the nonprofit corporation to intellectual property developed from the product of the sale.

SECTION 4. IC 16-21-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 7.5. Hospital Requirement Regarding Umbilical Cord Blood Donation

Sec. 1. (a) Except as provided in section 2 of this chapter, a participating hospital licensed under this article must offer a patient who delivers a newborn infant at the participating hospital



1 the option of donating the umbilical cord blood following delivery
2 of the newborn infant.

3 (b) A patient may not be charged for the collection, storage, or
4 donation to the public umbilical cord blood bank established under
5 IC 12-31-1.

6 Sec. 2. (a) A hospital is not required to collect the umbilical cord
7 blood if either of the following applies:

8 (1) In the professional judgment of a physician licensed under
9 IC 25-22.5, the collection would threaten the health of the
10 mother or the infant.

11 (2) The hospital is affiliated with a religious denomination
12 that believes that the blood transfer is contrary to the moral
13 principles or beliefs of the religious denomination.

14 (b) An employee of a participating hospital is not required to
15 collect an umbilical cord blood donation if the blood transfer is
16 contrary to the religious principles or beliefs of the employee.

17 Sec. 3. A hospital shall cooperate with the nonprofit corporation
18 (as defined in IC 12-31-1-1) in accomplishing the public health goal
19 of maximizing umbilical cord blood donations.

